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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,904	07/03/2003	Bamdad Bahar	1002.001	3629
44144	7590	09/30/2004	EXAMINER	
ANDREW S. BRENC 8925 LITTLETON STREET FAIRFAX, VA 22032			TREMBLAY, MARK STEPHEN	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/611,904	<b>Applicant(s)</b> BAHAR, BAMDAD	
	<b>Examiner</b> Mark Tremblay	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 21-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                        |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter claimed in claims 22-30 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7, 9-10 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by "1998 Advanced Card Technology Sourcebook" ("Sourcebook" hereinafter). Sourcebook teaches a method of providing services using a card, comprising:

providing a card to a customer (see page 125, right hand column, second and third paragraphs; see also page 127, right hand column, fourth paragraph; and elsewhere);

providing laundry (washroom) facilities to said customer, wherein said card can be used to pay for use of said laundry facilities (see page 125, right hand column, third paragraph and also page 126, left hand column, sixth column "washing machines") ; and

providing a telephone service to said customer, wherein said card can be used to pay for use of said telephone service (see page 125, right hand column, third paragraph; see also page 127, right hand column, second paragraph; and elsewhere) .

Re claims 2-3, see page 126.

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Re claim 4, see statements throughout, e.g. page 126, right hand column, paragraphs 2-3.

Re claim 10, note that at the time, MCI was a long-distance carrier, and the references to rates throughout the U.S. are inherently long distance charges.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 8, and 22-30 are rejected under 35 U.S.C. § 103 as being unpatentable over Sourcebook. The features of the invention recited in these claims are old and well known in the prior art, and would typically be expected in a smart card application such as Florida State University's. Claim 6 recites that the card comprises a bar code. Bar codes are old and well known in the art, for example, in library check out services. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to add a bar code to the FSU card in order for it to work with existing bar code readers such as those typically used with library cards. The average American, if he/she holds a library card, can typically find a bar code printed on it. The FSU card is used for "identification" of students. Typically, this means putting a "photographic image" on the card. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to put a photographic image on the card, in order to identify students using the card, and thereby prevent theft of services.

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With respect to claims 22-30, Applicant has constructively admitted these features as prior art. At page 9 of the specification, there is an express admission that these features are obvious to one skilled in the art. Further, the quality of the disclosure, and the lack of detailed description of these features, constructively indicates that all of these features are known in the prior art. In other words, if the skilled artisan didn't already know about "brittle interconnects between the chip and the metal connectors used to contact a reader", Applicant would have to describe them in much greater detail, and illustrate them with drawings. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the features claimed in claims 22-30 into the FSU card, because these features are well known in the prior art to promote longevity of the card, so that the student and university can use the card continuously through the student's academic career.

### ***Response to Amendment***

Applicant's arguments with respect to claims 1-10 and 21-30 have been considered but are moot in view of the new ground(s) of rejection.

### ***Voice***

Inquiries for the Examiner should be directed to Mark Tremblay at (571) 272-2408. The Examiner's regular office hours are 10:30 am to 7:00 pm EST Monday to Friday. Voice mail is available. If Applicant has trouble contacting the Examiner, the Supervisory Patent Examiner, Michael Lee, can be reached on (571) 272-2398. Technical questions and comments concerning PTO procedures may be directed to the Patent Assistance Center hotline at 1-800-786-9199 or (703) 308-4357.



**MARK TREMBLAY**  
**PRIMARY EXAMINER**

September 28, 2004